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IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1947.

No. 423.

HARRISON PARKER,

Petitioner,

vs.

PEOPLE OF THE STATE OF ILLINOIS,

Respondent.

ON WRIT OF CERTIORARI TO THE SUPREME COURT THE STATE OF ILLINOIS.

PETITION FOR REHEARING.

HARRISON PARKER,
Pro Se.

THE COURT PRESS, N. Y. C.

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IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1947.

No. 428.

HARRISON PARKER,

Petitioner,

vs.

PEOPLE OF THE STATE OF ILLINOIS,

Respondent.

PETITION FOR REHEARING.

Now comes HARRISON PARKER, the petitioner herein, and presents his petition for a rehearing and a definite decision in the above entitled cause.

Petitioner respectfully urges the Court to re-examine the issues which have caused a 4 to 4 draw, in a matter in which the issue is: law and order vs. court corruption, attempted murder, the destruction of constitutional government in Illinois, the sacking of freedom of speech there, and the jailing for six months of a man whom the undisputed record before this Court, shows to be innocent of any offense against the law of God or man, except that he had the courage to sign as the Chancellor of the Puritan Church, an orderly letter to the Cook County Grand Jury which informed that body, that the Puritan Church had available for its inspection, irrefragable evidence that the Chicago Tribune had stolen from the defenseless citizens of Cook County, 100 million dollars in cash. This was done through the violation of the existing

Constitution of Illinois, the law passed by her legislature and an expressed mandate of the Supreme Court of the United States, in an opinion written by the late Oliver Wendell Holmes, Justice of the Supreme Court of the U. S. A.

This petitioner is before this Court, because he has observed all of its rules; he has paid all the fees required of him, amounting to approximately $1000. He did not pay that money to obtain for six months, a priority for a cell in the Cook County Jail, but, to avoid one, if it be possible under the administration of justice under law, as it is blazoned in stone letters over the entrance of the Supreme Court Building at Washington, D. C.

Justice under law is based upon the sound legal theory, that no man, neither prince, nor peasant, should be put in jail for a single minute, unless the preponderance of the evidence shall be against him. The 4 to 4 draw by the justices of this honorable court, consigns this petitioner to the Cook County Jail, when the preponderance of the evidence is not against him: four justices of this court from an examination of the record before them, affirm, that this petitioner is guilty of contempt of court; four justices from an examination of the same record, affirm that he is not guilty. There should be no division on law points; there can be division on equity points; this is a law case.

This petitioner is ready and willing to spend six months in the Cook County Jail, if a majority of the justices of this court, shall decree that his conduct deserves punishment; he is not willing without a protest, to go to that jail for a single day, upon a draw in the highest court of his country.

Confident as every American should be, that he

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could obtain justice under law in the Supreme Court of the United States, this petitioner appeared before you, "palms up" and stated his grievances against the courts of Illinois; these were stated in printed form; on those statements of his grievances, this Court agreed to review the proceedings in the Illinois courts; no other evidence, or influence is presumed to have reached this Court; yet this Court by a 4 to 4 draw, without giving any reasons, has dismissed the same petition which it once accepted; this leaves all the constitutional questions still open, and denies to this petitioner, a trial before the Supreme Court of the United States, for which he has paid all the required court costs.

On account of his familiarity with Illinois law, this petitioner offered the Hon. Harold Ickes, lawyer, a large money fee to argue this petitioner's cause before your honorable body. Mr. Ickes refused that fee, on the ground that his presence in the litigation, might embarrass his friends who are members of this Court. At the same time, Mr. Ickes advised his petitioner, to appear in person, before your honorable body, in order to remove any semblance of pressure which might be caused by the presence in the litigation, of a politically prominent lawyer. This petitioner would have scorned any lawyer who would have approached him with the insinuation that this highest court in the land could be influenced by anything outside of the record before it, and the law that pertains to it.

In the consideration of this petition for a rehearing, this Court in addition to the printed record before it, should take judicial notice of the aforementioned decision of this Court, in a matter on which the present serious proceeding is based.

The existing constitution of Illinois adopted by a

Citizens Convention in 1870 A. D., provided that taxes in Illinois should be uniform. In carrying out that mandate, the Illinois legislature passed in the year 1872, what is known as the "Illinois Capital Stock Tax Law". Under that enlightened law, all domestic Illinois corporations are required to pay to the State of Illinois, a certain proportion of their yearly net earnings. The listing, assessing and the collection of that tax was vested in the State Board of Equalization, which was created by the Act which imposed the tax.

Had the opulent and politically powerful corporations of Illinois not avoided by flagrant fraud, their proportion of the tax burden covered by that tax, Illinois might have had milk for all her school children, and schools to instruct in the American Way of Life the European peasants who were lured to Illinois, upon a constitutional guarantee of a uniform tax. Thus, the Kingdom of God here, on this plane of existence, sought by all of us, might have been approached in Illinois, and the crisis due to ignorance of American ideas which faces all of us now, might have been avoided in Illinois.

The Tribune Company is an Illinois domestic corporation; it conformed to the provisions of the Illinois Capital Stock Tax Law for the year 1873. Then its management foresaw that, when its cash profits for a single year as they were in the year 1923, in the record before you, would be 3 million dollars, the Capital Stock Tax computed by Rule XI adopted by the State Board of Equalization at its first session, would be about $600,000. The stockholders of the Tribune Company did not care to pay a state tax of $600,000 for the protection of its law, and for the education of the less fortunate.

Capital stock in Illinois Corporations in the possession of the owners dwelling in Illinois, is not taxable in Illinois, because the law presumes that the corporations will pay their capital stock tax at the source. For 51 consecutive years, 1873 to 1924, neither a single stockholder in the Tribune Company, nor the Tribune Corporation itself, has ever paid for those years, a single cent of the taxes legally due on that valuable stock. By this cowardly fraud, every stockholder in the Tribune Company became a millionaire and the Tribune Corporation itself acquired in addition, assets today, worth 200 million dollars, by the use of the money which should have been paid to the State of Illinois, as taxes.

To prevent the effects of the operation of this just tax law, upon the rich and politically powerful, a slush fund of $25,000 cash a month was collected from among the then opulent Illinois Corporations, including the Tribune Company. This was given to the members of the State Board of Equalization as a bribe, not to list and assess the capital stock tax against the corporations which made up the "pool", including the Tribune Company. These law violating corporations did not enjoy paying the "politicians" $25,000 cash a month, to omit the listing, assessing and collecting of a legally imposed tax.

In that situation the Illinois Legislature was either influenced, intimidated or bribed by the law-breaking corporations to pass a law exempting "newspapers" from the operation of that general law. An honest Supreme Court of Illinois declared this law unconstitutional. Then, the Illinois Legislature was either influenced, intimidated or bribed by the offending corporations to transfer the assessment of the Capital Stock Tax on newspapers to the local County As-

sessor who could be blackmailed by newspaper "publicity", to omit the Tribune Company from the operation of that general tax law.

By the year 1900, the scandal in Illinois caused by the omission of the Capital Stock of opulent corporations from the tax rolls by the local county assessors, had become so great, that the late Margaret Haley, the business agent of the Chicago School Teacher's Union, in seeking a fund with which to supply milk to the underprivileged school children, dragged the law-breaking corporations of Illinois into the Courts of Illinois, to compel the enforcement of the Illinois Capital Stock Tax Law.

Another honest Supreme Court of Illinois declared in Miss Haley's law-suit, that the Capital Stock Tax Law passed by the Illinois Legislature of 1872, was valid and binding upon every Illinois domestic corporation, including the Tribune Company. This opinion was appealed by the law-breaking corporations to the Supreme Court of the United States. There, it was upheld in an opinion written by the late Oliver Wendell Holmes. This opinion not only upheld the Capital Stock Tax Law of Illinois, but it also upheld Rule XI promulgated by the State Board of Equalization, for computing that tax. Under this sweeping opinion, the Tribune Company then owed the State of Illinois about 30 million dollars for capital stock taxes due to the State, since the year 1873.

The general counsel of the Tribune Company at that time, was the reputable Chicago law firm of Mayer, Meyer, Austrian and Platt. It advised the Tribune Company in writing, that it must pay the Capital Stock Tax, with penalty and interest, back to the year 1873, exactly as the Supreme Court of the United States had decreed, or the liability would

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remain and accumulate interest at the rate of 10% per annum, until it should be paid, in full, in cash.

There is not any process either in the Constitution of Illinois, or in its law, to either annul, settle or compromise a tax on a taxable property omitted from the tax rolls of Illinois.

The excuse of the Tribune law firm, for the jailing and jailing and jailing and the attempted murders of the petitioner complained of in the record now before this Honorable Court, is that to compel the Tribune Company to observe the mandate of the Supreme Court of Illinois and the Supreme Court of the United States and pay its capital stock tax now due and payable back to the year 1873, would bankrupt the Tribune Company, and compel it "hat in hand" to seek from "Wall Street" the tremendous sum of cash which would be required; the Chicago Tribune would thus "lose its face", because for 100 years it has called the men of Wall Street "Silk Hats" and "New Dealers" and urged in its editorial columns that millionaires, outside of the newspaper business, are a menace to the existing form of government.

Of all the millions of persons who have dwelt in Illinois, while the Tribune Company has been conducting its swindle, Miss Margaret Haley, this petitioner and the Puritan Church have been the only citizens of Illinois, who have had the courage to stand in the middle of Clark Street as Cato of old stood in the Roman Senate, and shout "the Chicago Tribune must obey the law; its example of lawlessness will destroy respect for all law; when that occurs, down will go our government by law."

Miss Haley died under the libels of her printed in the Chicago Tribune; this petitioner according to the records before this Court, has been jailed 5 times

by the orders of Tribune law firms; his murder in *cold blood* has been attempted twice and he will go to the Cook County jail again for 9 months, unless this honorable Court shall grant a rehearing, and reverse the Supreme Court of Illinois which also, possesses the evidence of the lawlessness of the Chicago Tribune; as yet it has done nothing about it, except to sentence to jail for contempt of court, the only man in Illinois, who seems to be willing to go to jail, in the defense of the Constitution of Illinois, and the law passed by her legislature.

About the time when the Supreme Court of the United States ended the Chicago Tribune's 30 year fight against the Capital Stock Tax Law of Illinois, Robert R. McCormick, the present editor of the Chicago Tribune, assumed the entire control of the Tribune Company by accident of birth. His first act as the control, was to "fire" the law firm of Mayer, Meyer, Austrian and Platt and found his own law firm called the Tribune law firm with Weymouth Kirkland as its head, to do for him in the courts, the work which Mayer, Meyer, Austrian and Platt had refused to do for him.

By bribing the Cook County Assessor with "publicity" in the Chicago Tribune, favorable to his reelection, the Tribune law firm was able to prevent the listing and assessing of the Capital Stock of the Tribune Company on the books of the Cook County Assessor, until the year 1924; then the stock of the Tribune Company of a par value of $100 was selling for $100,000 a share.

By the year 1935 the Tribune Company owed the State of Illinois approximately 100 million dollars in principal, penalty and interest on its unpaid Capital Stock Tax.

In 1935, after the death of Miss Haley, this petitioner alone and single handed cited the reluctant Chicago Tribune into Court to compel it to pay the tax, which the Supreme Court of the United States had declared to be a valid tax against all Illinois domestic corporations, including the Tribune Company.

The record of the Court "fixing", the attempted murder and jailing of this petitioner for upholding the law of the State of Illinois, which followed this attempt to compel an opulent interest to obey the law, is before this Honorable Court; the corruption of the machinery of justice in Illinois, the disregard of the constitution of Illinois and the law passed by her legislature, revealed in it under oath, has caused a "draw" of 4 to 4 in this Honorable Court in the above entitled cause, and a 5 to 3 division in the United States Supreme Court Case, 270.

Under oath, in this undenied and undisputed record now before this Honorable Court, this petitioner states that after the Tribune law firm had confined him in the Cook County Jail, "to cool off his indignation" against Robert R. McCormick, Mr. Weymouth Kirkland of the Tribune law firm, informed this petitioner that Robert R. McCormick could, and would "fix" every court to rule in favor of the interests of the multimillionaire Robert R. McCormick and against the interests of this little petitioner, no matter what the facts, no matter what the law. At that time, the petitioner never dreamed that in those words, Mr. Kirkland included the Supreme Court of the United States. This petitioner as well as every public school boy was taught with his alphabet, that the seat of the government of the U. S. A. is in the Supreme Court, and that all honor, is also, seated there.

Prior to his elevation to the Supreme Court of the United States, Justice Jackson was the general counsel for Mr. Terry Druggan. Mr. Weymouth Kirkland was the associate counsel with Justice Jackson in the large money affairs of Mr. Druggan.

When the Supreme Court of the United States granted to this petitioner two petitions for writs of certiorari for a review of Illinois court sentences aggregating 9 months in the Cook County Jail, for alleged contempt of court, Mr. Kirkland was ill and sojourning in Florida. At once, he departed Florida for Chicago. There, he had long conferences.

As a member of the Tribune law firm which had done for Robert R. McCormick, all the tax stealing, all the attempted murders, all the destruction of law and order in Illinois stated under oath, in the record before this Court in the above entitled cause, Mr. Kirkland knew, that, if the United States Supreme Court should reverse the Supreme Court of Illinois in *Parker* v. *The State of Illinois,* the strangle hold of Robert R. McCormick on the machinery of Justice in Illinois would be broken; the now closed grand jury of Cook County would be re-opened again, for evidence upon which indictments might be returned for tax stealing; the use of the public jails, for the private use of the Tribune law firm would be ended for ever, and the corrupt dictatorship of Illinois, by Robert R. McCormick destroyed.

Backed by all the vast money and political resources of the Tribune Company to accomplish his ends in Washington, D. C., Mr. Kirkland departed Chicago for Washington, D. C., determined to close the Puritan Church, and crush this petitioner with a sentence of 9 months in the Cook County Jail, with

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the approval of the Supreme Court of the United States. Arrived in Washington, D. C., Mr. Kirkland at once, communicated with Justice Jackson of the United States Supreme Court, his long associate in the large money affairs of Mr. Terry Druggan. Mr. Gael Sullivan of the Chicago Kelly-Nash "machine" was in Washington, D. C., as the Third Assistant Post Master General of the United States and one of the directors of the Democratic National Committee.

At once the Puritan Church, of which this petitioner is Chancellor, was closed by the P. O. Department with as strange an order as was ever issued in a country of religious freedom. The Puritan Church never was cited in the proceedings. The Puritan Church was never a party defendant to the proceedings; yet the U. S. Post-Office order closed the Puritan Church and cut off 30,000 communicants from the religious solacement of their church.

Almost simultaneously with the P. O. Department order closing the Puritan Church on April 7, 1948, Justice Douglas on April 5, 1948 entered an order jailing this petitioner for three months in the same Cook County Jail, where two attempts had been made to murder him after he had been "railroaded" there, by the Tribune law firm in the year 1934. (See record.) The mission of Mr. Kirkland to Washington, D. C., was accomplished and effectively.

On May 3, 1948 on page one of the Chicago Daily News, Jacob Arvey, the head of the Kelly-Nash "machine" of Chicago announced that the Kelly-Nash "machine" was in favor of William O. Douglas, Associate Justice of the Supreme Court of the United States, for the Democratic nomination for President of the United States in the coming national election.

In the opinion written by Justice Douglas, which unless re-considered will confine this petitioner in the Cook County Jail for three months, Justice Douglas made a mistake in the law of Illinois. In the petition for a re-hearing this petitioner pointed out to the majority of the Court the mistake which had been made in the opinion of Justice Douglas. But, under the rules of the Supreme Court of the United States, a petition for a re-hearing cannot be granted unless the Justice who wrote the opinion consents to a re-hearing; Justice Douglas would not consent.

In dissenting to that opinion by Justice Douglas, Justice Rutledge in an opinion concurred in by Justices Black and Murphy said:

"Yet this Court now acquiesces in this substantial and unconstitutional deprivation of petitioner's liberty by accepting as asserted procedural waiver of petitioner's substantive rights which, in my opinion, no more comports with basic conceptions of due process than does the substantive order for commitment. Constitutional rights may be nullified quite as readily and completely by hypertechnical procedural obstructions to their effective assertion and maintenance as by outright substantive denial. *Marino* v. *Ragen,* 332 U. S. 561, concurring opinion at 563."

* * * *

"I cannot accept this hypertechnical procedural nullification of constitutional rights in a case involving the liberty of the individual."

* * * *

"I can imagine no better way to annihilate constitutional rights, both substantively and procedurally, than thus dovetailing federal jurisdictional limita-

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tions with state procedural ones. To secure review of federal questions here, petitioner must exhaust his state remedies. But if he exhausts those remedies he 'waives' the federal questions.

"This is not waiver. It is nullification. I do not think Congress intended to countenance such a denial by the requirement of finality or that its effect, in conjunction with state procedures, should be to cut off the very rights which the jurisdictional authorization for reviewing final judgments was enacted to safeguard.

"The issue of federal procedure in this case is not one of timeliness. It is rather one of finality, now applied to deny rather than to assure review in protection of personal liberty from invasion by unconstitutional state action. *Central Union Co.* v. *Edwardsville, supra,* contemplated no such paradox. Nor, to my knowledge, has any other decision of this Court. As a matter of federal procedure petitioner did not waive his constitutional rights either by failing to seek certiorari from the Illinois Supreme Court's judgment of January 23, 1945, or by taking the necessary steps to seek the writ when he appealed to the state intermediate appellate court.

"The judgment of the Illinois Supreme Court should be reversed."

The Justices of the Supreme Court of the United States, who originally concurred in Justice Douglas' opinion in Case 270, may have discovered from the petition for a re-hearing in that matter, that Justice Douglas had erred in the law on which his opinion is based. If they did, they were powerless to correct the original error, because of rule of this honorable Court which requires for a re-hearing, the consent of the

Justice who wrote the opinion. Under this rule, this petitioner must go to the Cook County Jail, although some of the Justices who concurred in the original opinion, might desire in view of the law as it is clearly revealed in the petition for a re-hearing, to grant a re-hearing and keep this petitioner out of the Cook County Jail.

There is a "leak" in the sacred proceedings of the Supreme Court of the United States. This petitioner was reliably informed on March 17, 1948 through friends of Justice Jackson, that Justice Jackson inside the Supreme Court of the United States, as the friend of Mr. Weymouth Kirkland, the general counsel for the Tribune Company, had succeeded in dividing the U. S. Supreme Court against this defenseless petitioner.

This petitioner is age 71; he is the oldest in the 10th generation of his family of Puritan men born on American soil, in a direct line from Deacon Thomas Parker, who founded the Puritan Church in Reading, Mass. in 1642. The records of the War Department at Washington, D. C. show that the men of this family fought with guns at Lexington, Concord and Valley Forge and along with General George Washington to victorious Yorktown, to establish "justice under law" on American soil.

Like Nathan Hale, this petitioner has but one life to give for his country. It would be of little consequence to him, or to the world in general, perhaps, whether the few years yet remaining for him on this plane of existence, shall be spent in a jail, or in the Ritz-Carleton Hotel; the God who animates this petitioner will be both within the jail and without it.

In the crisis which the sane men of the United States must face today with alarm, due to disrespect

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for both the law of God and man, the youth should be our sole consideration.

What will the conclusion be of the budding young lawyer who will have to read the decisions of this Court in his class-room, when it finally dawns on him, that 100 million dollars was stolen from the state; that the courts of Illinois had to be corrupted, to prevent the recovery of the stolen money; that the man who reported the law infraction to the grand jury, was ordered to jail for 9 months by the Supreme Court of the United States, while all the rich culprits went "scott free" with their enormous loot?

The book "Uncle Tom's Cabin", written by Harriet Beecher Stowe was the most powerful factor in causing Civil War in the U. S. A.; the book, "Tragic Era" written by Claude Bowers and circulated almost exclusively among the editors of country newspapers, was one of the causes of driving the "Old Guard" Republican party out of power and keeping it out.

Claude Bowers had only a "little black bag" containing a paltry $100,000 bribe as a "peg on which to hang his book." If the Supreme Court of the United States shall permit itself to become the tail to Robert R. McCormick's kite of corruption, by jailing this petitioner for 9 months, and "pass by" the theft of 100 millions of dollars in Capital Stock taxes; "the fingering of his nose" by Robert R. McCormick to the opinion of the United States Supreme Court by the late Oliver Wendell Holmes; the corruption of the courts of Illinois and the private use of its jails by the Tribune law firm, it is reasonably certain, that another Claude Bowers will arise to write another book which might ultimately destroy our existing form of government, as inadequate to cope with the power of money which now exists. If this

petitioner shall be sent to jail for 9 months, by an erroneous opinion by Justice Douglas and a "no decision" by Justice Jackson, there will be enough "news" in the record now before this Court in the above entitled cause, to produce the most sensational story of American corruption ever written.

The association of Justice Jackson with Robert R. McCormick's Weymouth Kirkland and the association of Justice Douglas with Robert R. McCormick's Gael Sullivan, were unfortunate. The rules of the Supreme Court of the United States, by which those two Justices had the power to jail this petitioner for 9 months, no matter what the other seven Justices of this Honorable Court might think of the proceedings, has created an acute situation in the Supreme Court of the United States, and an alarm to all free men.

Law should be adamant, like the law of the Medes and the Persians; rules are a different matter. The United States Supreme Court made its rules; it can change them, or ignore them, when, as, and if, the liberty of a human being shall be at stake.

Therefore, in view of the above stated facts, this petitioner humbly suggests to this Honorable Court:

First, that it appoint a Master in Chancery to take testimony for the disbarment of Mr. Weymouth Kirkland and Mr. Robert R. McCormick, lawyers, from the practice of law, in the Federal Courts of the U. S. A. for their participation in the nullification in Illinois, of a mandate of the Supreme Court of the United States, whereby a steal of approximately 100 million dollars in Capital Stock taxes was stolen from the defenseless State of Illinois;

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Second, that it appoint a Master in Chancery to investigate each and every charge which this petitioner has made under oath, in the record now before this Honorable Court, as well as the charges which this petitioner makes under oath in this petition for a rehearing;

Third, that it ask a Congressional inquiry to ascertain if Justice Douglas traded the liberty of this petitioner, for the support of the Kelly-Nash "machine" of Chicago, for his nomination for president of the United States, in the coming Democratic National Convention;

Fourth, that it ask a congressional inquiry into the activities in Washington, D. C., of Mr. Weymouth Kirkland prior to the decision of Justice Douglas on April 5, 1948 and the closing of the Puritan Church on April 7th of that year.

Confident of the integrity of the highest court in his Country, as well as in the Justice of his cause before it, this petitioner respectfully petitions for a re-hearing in the above entitled cause, as well as in case 270, in which heretofore, a petition for a re-hearing was denied by this Honorable Court, because the law pointed out in the petition for a re-hearing in that cause, could not have been known to the majority of the Court which, in its absence, concurred in the opinion written by Justice Douglas.

Respectfully submitted,

HARRISON PARKER,
Pro Se.

Dated at New York City, May 25, 1948.

Certificate.

I do hereby certify that the foregoing petition for re-hearing of this cause is presented in good faith and not for the purpose of delay.

HARRISON PARKER.

State of New York,
County of New York—ss.:

HARRISON PARKER, being duly sworn, deposes and says: that, without consultation with any other person, he wrote every word of the foregoing petition for a re-hearing in the above entitled cause; that he has carefully read the same; that every word in it is true; that he is willing to testify to the truth of every statement in it either before a Master in Chancery of this Court, or before a Congressional Committee which shall investigate the activities of Weymouth Kirkland in Washington, D. C., before the Puritan Church was closed, and before the opinions of Justice Douglas and Justice Jackson, were written in *Parker* v. *State of Illinois,* in defiance of the facts in the Court record and the law pertaining thereto.

HARRISON PARKER.

Sworn to before me this
25th day of May, 1948.

HAROLD F. GREENBLATT
Notary Public in the State of New York
Residing in Kings County
Kings Co. Clk's No. 786
N. Y. Co. Clk's No. 953
Commission Expires March 30, 1949

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